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### BOOK REVIEWS.

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All book reviews are by the editor in chief unless otherwise expressly stated.

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**Pleading and Practice in Actions of Common Law**, by Martin B. Burks. For sale by W. C. Stewart, Bookseller, Lexington, Virginia. The Michie Company, Printers, Charlottesville, Virginia. 1913. Price \$7.50.

The day after we received this book we chanced to meet a learned educator whose knowledge of Common Law pleading is probably unsurpassed by any man in the State and we jestingly asked him "What shall we say about Martin Burks' book?" He replied very seriously, "You cannot say anything too good about it," and on a careful examination of the volume we thoroughly agree with the learned educator's opinion. A part of the book has had the advantage of a trial in the schools and now in its complete form it invites the careful consideration of the profession. We have been particularly struck with the clarity with which the subjects embraced in the volume are treated. Professor Burks is peculiarly gifted in stating a legal proposition in a manner at once terse and clear, and he has in this volume almost surpassed himself. Both in the division of subject and in treatment he presents any given question so that the party desiring knowledge upon the subject is left in no doubt as to the conclusions of the author. We do not believe that we have ever seen a book upon this subject which has pleased us more and which we can recommend more highly alike to the student and the practitioner. The reviewer is not in love with the subject of Professor Burks' work, but as long as we have Common Law pleading there could not be a better book on the subject.

We have read with a great deal of pleasure and we may say profit Professor Burks' summing up in the conclusion of his work upon the merits of the system of Common Law pleading. He has stated the arguments pro and con in a calm and judicial manner and we have enjoyed reading it and believe that no where can be found a fairer statement presenting briefly both sides of the question.

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**The Lawyers' Reports Annotated.** New Series. Book 41. Burdette A. Rich, Henry P. Farnham, Editors. 1913. Rochester, New York. The Lawyers' Co-operative Publishing Company. Price.

As usual we find the selection and annotation in this admirable series maintaining the high standard of the previous volumes. The notes are of unusual interest. The one upon page 60 as to the "Right to Rescind Contract because of Anticipated Inability of Other Party to Complete the Same within the Time Limit," while brief is of novelty and interest, as also the brief note upon "What Instruction Constitutes Compliance with Compulsory Education Statute." Of present interest to the lawyers of this State is the note on page 111 as to the "Constitutionality of Commission Form of Government." The note attached to *In re Pryse* on page 464 is an exceedingly full and valuable one upon the "Denial of Custody of Child to Parent for Its Well Being." The note on page 857 as to "Admissibility of Previous Statement by Witness out of Court Consistent with His Testimony," will surprise a great many readers, but we think can be studied with great advantage by the judges as well as the lawyers. The question is an exceedingly perplexing one and

we have always thought the rule excluding such testimony was not logical. One whose opinions have been guided by the old works upon evidence will be surprised to find the conflict of opinions upon this subject.

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**The American and English Annotated Cases**, containing important cases selected from the current American, Canadian and English reports, thoroughly annotated. Editors, William M. McKinney and H. Noyes Green. Volume 26. Edward Thompson Company, Northport, Long Island, New York. Bancroft-Whitney Company, San Francisco. 1913. Price \$5.

It always gives us pleasure, not without profit, to examine each one of these volumes of Annotated Cases as they are received. The selection of cases covers such a wide field and the annotations are so well done that we seldom fail to find something which is of important aid.

The cases in the present volume are as usual well selected and the notes are amazing in view of the wide field of law which they cover. There is a valuable compilation on page 1361 as to the amounts allowed and disallowed by the courts in action for personal injuries not resulting in death. We examined with much interest the notes on "Want of Similarity between Statements of Witnesses as to Transactions Occurring Long Previous Thereto as Affecting Weight of Testimony," on page 793. The annotations upon Evidence, Municipal Corporations and Wills are all of peculiar value; and these are but random selections from a very excellent volume.

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**Questions and Answers to Bar Examinations—1910—1913.** By Frank Moore and T. B. Benson. Sold by Anderson Bros., Booksellers and Publishers, University of Virginia, Charlottesville, Va. Price \$1.50 postpaid. The Michie Company, Printers, Charlottesville, Va. 1913.

On the appearance of this valuable little work in 1910 we had occasion to review it in the 16th Volume of the LAW REGISTER, page 160. Since that time six more examinations have been held by the Bar Examiners, covering a wide range—we may well say—of almost the whole field of the law. The present volume not only brings questions and answers up to date, putting them under proper subjects, but to a certain extent re-arranges the former volume. We have examined it with a great deal of pleasure and we believe that no law student or even practitioner can fail to be greatly benefited by a careful study of this book. As we have said, those questions cover almost the entire field of law and the propositions of law given in answer to the questions are stated with clearness and conciseness. We commend this book most heartily not only to law students but to practitioners. Both will find it of practical value, the one for study, the other for review.